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Subject: More groups demand wider scrutiny of Pruitt's science rule

More groups demand wider scrutiny of Pruitt's science rule

Sean Reilly, E&E News reporter

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EPA is legally bound to run its "secret science" proposal before the Clean Air Scientific Advisory Committee, according to former agency employees. Robin Bravender/E&E News

Not only must EPA hold a public hearing on a controversial proposal to overhaul its handling of scientific research, but it must also run the plan past two key advisory committees, an advocacy group made up mainly of former agency employees argues in newly filed comments.

Under a 1978 law that applies to any proposed "criteria document," EPA must submit the draft rule to the Science Advisory Board for review, according to the [filing](#) released late yesterday by the Environmental Protection Network.

And because the [proposed rule](#) would amend air quality criteria for lead and particulate matter, EPA must also give the Clean Air Scientific Advisory Committee the opportunity to weigh in, two of the group's leaders said in the comments.

If the committee recommends any changes, EPA Administrator Scott Pruitt must consider those recommendations and offer "a reasonable explanation" if he opts against adopting them.

"EPA cannot proceed with this action until these requirements are satisfied," they added in citing the need for the committee's review.

EPA press aides did not reply to an emailed request for comment this morning on that score.

The draft rule, published early last week in the *Federal Register*, would effectively bar EPA from using scientific studies in crafting significant new regulations unless the underlying data and models are "publicly available in a manner sufficient for validation and analysis."

While Pruitt has touted the proposal as a means of boosting public confidence in EPA regulatory decisions, critics say it's intended to block the agency from tapping valid research that might justify the need for stronger rules to protect public health and the environment.

Dozens of advocacy groups and Democratic elected officials have also called for an extension of the current 30-day public comment period by anywhere from two to five months.

The existing timetable will make it difficult to fully analyze and address "these far-reaching and long-lasting adverse impacts of this rule on the nation's air quality," the American Lung Association said in one such request last week.

In its own missive, the Environmental Protection Network sought a 90-day comment period, adding that EPA must also hold a public hearing in light of the potential ramifications for the Clean Air Act.

The group, founded early last year, is made primarily of ex-EPA staffers but also includes former state government employees, a spokeswoman said this morning. It has already released two critical analyses of the draft rule.

In arguing that two prominent EPA advisory panels also have a statutory role to play in evaluating the proposal, it has added to a growing chorus of objections.

The Clean Air Scientific Advisory Committee is a seven-member panel that provides outside expertise to EPA during statutorily required reviews of the air quality standards for a half-dozen "criteria" pollutants named in the Clean Air Act.

Its input is needed in the case because EPA wants to bypass two court rulings that previously upheld the agency's prerogative to tap "non-public data" in setting standards for airborne lead and particulate matter.

The agency is now "proposing to exercise its discretionary authority to establish a policy that would preclude it from using such data in future regulatory actions," according to a footnote in the proposed rule that cites those two rulings, both by the U.S. Court of Appeals for the District of Columbia Circuit.

The Science Advisory Board, which currently has 44 members, offers advice to EPA on a variety of topics. Under the 1978 law, known as the Environmental Research, Development and Demonstration Authorization Act, Pruitt must give the board the chance to assess "any proposed criteria document, standard, limitation, or regulation," the Environmental Protection Network said in its comments.

While the board can provide feedback on the proposal, however, Pruitt doesn't need its approval to move forward, the network said.

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